

REFERENCE TITLE: **liability limitation; liquor**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2015

Introduced by
Representatives Crandall: Adams, Clark, DeSimone, Kavanagh, Konopnicki,
Reagan, Senator Gray C

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE XVIII, SECTIONS 5 AND 6, CONSTITUTION OF ARIZONA; RELATING TO LEGAL LIABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Article XVIII, sections 5 and 6, Constitution of Arizona, are
4 proposed to be amended as follows if approved by the voters and on
5 proclamation of the Governor:

6 5. Contributory negligence and assumption of risk

7 Section 5. EXCEPT AS PROVIDED IN SECTION 6, SUBSECTION B
8 OF THIS ARTICLE, the defense of contributory negligence or of
9 assumption of risk shall, in all cases whatsoever, be a question
10 of fact and shall, at all times, be left to the jury.

11 6. Recovery of damages for injuries; exception

12 Section 6. A. The right of action to recover damages for
13 injuries shall never be abrogated, and the amount recovered
14 shall not be subject to any statutory limitation.

15 B. NOTWITHSTANDING SUBSECTION A, DAMAGES FOR INJURIES OR
16 DEATH SHALL NOT BE AWARDED TO ANY PERSON WHO IS OVER THE LEGAL
17 DRINKING AGE, TO THE SURVIVORS OF ANY PERSON WHO WAS OVER THE
18 LEGAL DRINKING AGE OR TO THE ESTATE OF ANY PERSON WHO WAS OVER
19 THE LEGAL DRINKING AGE IF THE INJURIES OR DEATH ARE CAUSED, IN
20 WHOLE OR IN PART, BY REASON OF THE PERSON'S CONSUMPTION OF
21 SPIRITUOUS LIQUOR.

22 2. The Secretary of State shall submit this proposition to the voters
23 at the next general election as provided by article XXI, Constitution of
24 Arizona.